

EXHIBIT 1

THE HONORABLE THOMAS S. ZILLY

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HUNTERS CAPITAL, LLC, a Washington
limited liability company, et al., on behalf of
themselves and others similarly situated,

Plaintiffs,

vs.

CITY OF SEATTLE,

Defendant.

Case No. 2:20-cv-00983 TSZ

PLAINTIFF HUNTERS CAPITAL, LLC'S
FIRST REQUESTS FOR PRODUCTION TO
DEFENDANT CITY OF SEATTLE

Pursuant to Fed. R. Civ. P. 26 and 34, Plaintiff HUNTERS CAPITAL, LLC, a Washington limited liability company, by its undersigned attorneys, hereby propounds the following requests for production to Defendant, City of Seattle ("Defendant" or the "City"). Defendant shall respond to these requests for production within thirty (30) days of service. Responses and produced documents are to be served to Calfo Eakes LLP, 1301 Second Avenue, Suite 2800, Seattle, WA 98101. The requests below are continuing and impose upon Defendant the obligations stated in Fed. R. Civ. P. 26.

I. INSTRUCTIONS

1. Documents shall be produced in a format agreed upon by the parties to this litigation and in accordance with the Court's Order granting the parties' Stipulation Regarding Electronically Stored Information.

2. Each requested document shall be produced in its entirety, along with any attachments, drafts, and non-identical copies, including without limitation copies that differ by virtue of handwritten or other notes or markings. Documents responsive to these requests are to be clearly designated so as to reflect their source, owner, and/or custodian. If a document responsive to these requests cannot be produced in full, it shall be produced to the extent possible with an explanation stating why production of the remainder is not possible. If you do not produce a document in whole or in part because you are unable to do so, or for any other reason, you are requested to state the name and address of each person who you believe has custody, possession, or control of the document. Documents contained in file folders, loose-leaf binders, or notebooks with tabs or labels identifying such documents are to be produced intact together with such file folders, loose-leaf binders, or notebooks. All labels identifying such documents, files, folders, or binders shall be copied and produced together with such documents. Documents attached to each other should not be separated, and all such attached documents shall be produced. When producing documents, identify the request or requests to which the documents are responsive.

3. To the extent any request is objected to in whole or in part, state with specificity all grounds for objection, state which documents will be withheld and which documents will be produced notwithstanding such objection, and produce all documents and things responsive to those parts of the request as to which no objection is made.

4. If no documents or things exist that are responsive to a particular request, so state in writing.

5. With regard to objections to the production of documents based on attorney-client privilege and work-product protection, you are requested to prepare an index listing each and every document withheld, stating the document date, preparer, intended recipient(s), subject matter(s), persons who have received the document or have knowledge regarding the contents thereof, and the basis for withholding the document.

6. Unless a request specifies otherwise, you should construe each request as seeking documents concerning the time period from May 26, 2020, to the present.

7. The requests are continuing and require, to the extent authorized by Rule 26(e) of the Federal Rules of Civil Procedure, production of any additional responsive documents and things that may be located or acquired after the date of your original production. Such supplemental documents and things are to be produced as soon as is reasonably possible after they are located or obtained.

II. DEFINITIONS

1. “Plaintiffs,” refers to the named-plaintiffs in this action, i.e. Hunters Capital LLC, SRJ Enterprises d/b/a Car Tender, The Richmark Company, Northwest Liquor and Wine LLC, Onyx Homeowners Association, Wade Billers, Madrona Real Estate Services LLC, Madrona Real Estate Investors IV LLC, Madrona Real Estate Investors VI LLC, 12th & Pike Associates LLC, Redside Partners LLC, Magdalena Sky d/b/a Tattoos and Fortunes, Bergman’s Lock and Key Services LLC, and Olive St. Apartments LLC, Matthew Ploszaj, Argento LLC, Rancho Bravo, Inc., Sway and Cake LLC, and Shuffle LLC.

2. “Defendant,” “you,” and “yours” refers to the defendant in this action, the City of Seattle, including all its agencies, subdivision, and departments.

3. “Communication” includes any oral or written statement, any in-person or telephonic communication between two or more persons, and any analysis, summary, note,

comment, document, or other description of a communication or conversation, regardless of its form, including email, voicemail, or other electronic form of communication.

4. “Complaint” means the operative First Amended Complaint filed in this matter.

5. “Concerning” and “relating” means constituting, containing, discussing, embodying, reflecting, identifying, stating, supporting, contradicting, alluding to, referring to, relating to, or confirming that which is pertinent to a matter.

6. “Date” shall mean the exact date, month, and year, if ascertainable, or, if not, the best approximation of the date (including based upon any relationship with other events).

7. “Document(s)” is used in the broadest sense and includes, but is not limited to, the following items, whether printed or recorded or reproduced by any other mechanical or electronic process or writing, or produced by hand, namely: email, hard-drive, electronic and hard-copy versions of agreements, communications, including intracompany communications, correspondence, telegrams, memoranda, records, books, summaries of records of personal conversations or interviews, diaries, forecasts, statistical statements, accountants’ work papers, graphs, charts, accounts, analytical records, minutes or records of meetings or conferences, reports and/or summaries of negotiations, brochures, pamphlets, circulars, trade letters, press releases, contracts, notes, projections, drafts of any documents, working papers, securities ledgers, checks (front and back), check stubs or receipts, any other documents or writings of whatever description including but not limited to any information contained in or accessible from any computer although not yet printed out within your possession, custody or control or the possession, custody or control of any agent, employee (including without limitation, attorneys, accountants and investment bankers and advisers), or other person acting or purporting to act on your behalf.

8. “Each” shall be construed to include the word “every,” and the word “every” shall be constructed to include the word “each.”

1 9. “Or” and “and” shall be inclusive and shall be used conjunctively and disjunctively
2 as is necessary to bring within the scope of these requests any information that might otherwise be
3 outside their scope.

4 10. “Person” means any individual, corporation, partnership, joint venture, firm,
5 association, proprietorship, agency, board, authority, commission or other entity.

6 11. “CHOP” refers to the areas occupied by protestors in the Capitol Hill neighborhood of
7 City of Seattle, Washington beginning in June 2020, which have been variously described as the
8 “CHAZ,” standing for the “Capitol Hill Autonomous Zone,” or “CHOP” for “Capitol Hill Organized
9 Protest” or “Capitol Hill Occupying Protest.”

10 12. The “CHOP zone” refers to the area of the Capitol Hill neighborhood in the City of
11 Seattle in and around the areas occupied by CHOP participants, which is the area bound by the
12 following streets: Denny Way, Union Street, Thirteenth Avenue, and East Broadway, as well as the
13 areas within three blocks of the area bounded by those streets.

14 13. “CHOP participant” refers to any person who participated in and advocated for the
15 existence of CHOP and/or the occupation of the CHOP zone, any person who camped out in or
16 otherwise resided overnight (excluding the area’s permanent residents) in the CHOP zone, and/or any
17 person who was present in the CHOP zone for purposes of protesting or expressing solidarity with
18 protestors.

19 14. “SPD” refers the Seattle Police Department, a division of Defendant.

20 15. “SFD” refers the Seattle Fire Department, a division of Defendant.

21 16. “SDOT” refers the Seattle Department of Transportation, a division of Defendant.

22 17. “SPU” refers to Seattle Public Utilities, a division of Defendant.

23 **III. REQUESTS FOR PRODUCTION**

24 **REQUEST FOR PRODUCTION NO. 1:** Please produce all documents and
25 communications relating or referring to any complaints Defendant, or any of Defendant’s

employees or officials (including, but not limited to, the Mayor and Mayor's office), have received that concern, related to, reference, or otherwise raise complaints about the CHOP, conditions on Capitol Hill during the CHOP occupation, the CHOP zone, or CHOP participants.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Please produce all documents and communications (including but not limited to emails, text messages, voice messages, messages on social media platforms, memoranda, meeting minutes, videos, and photographs) to, from, in the possession of, concerning, or involving the following persons, organizations and City divisions, which concern, relate to, and/or reference the CHOP, CHOP participants, and/or the conditions on Capitol Hill or the CHOP zone during the CHOP occupation:

- a. Mayor Jenny Durkan
- b. The Mayor's office, including members of the Mayor's staff;
- c. The Seattle City Council, including the members of the Council and their staff;
- d. Sabrina Bolieu;
- e. Any and all members of the City's business liaison office, including its staff;
- f. Bobby Lee;
- g. Michael Wells;
- h. City's Office of Economic Development, including its members and staff;
- i. Peter Holmes;
- j. The City Attorney's Office, including its members and staff;
- k. SPU Director Mami Hara and her staff;
- l. SPU, including its leadership, staff, employees, agents, or contractors;
- m. SDOT Director Sam Zimbabwe and his staff;
- n. SDOT, including its leadership, staff, employees, agents, or contractors;
- o. Adrienne Thompson;
- p. Members of the City's policy staff, including all person responsible for advising on or setting City policies;
- q. SPD Chief Carmen Best and her office or staff;
- r. SPD, including its leadership, officers, staff, employees, agents, and contractors;
- s. SFD Chief Harold Scoggins and his office or staff;
- t. SFD, including its leadership, staff, employees, agents, and contractors.

RESPONSE:

1 **REQUEST FOR PRODUCTION NO. 3:** Please produce all documents and
2 communications relating to or refencing any and all 9-1-1, fire, police, medical, first responder,
3 ambulance or other emergency calls that concern, relate to, or reference the CHOP, incidents
4 occurring at or near the CHOP zone, or involve CHOP participants, including but not limited to
5 the recordings and transcripts of those calls.

6 **RESPONSE:**
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9 **REQUEST FOR PRODUCTION NO. 4:** Please produce all documents and
10 communications consisting of or related to orders and directions given to SPD officers and
11 employees concerning, related to, or referencing the CHOP, incidents occurring at or near the
12 CHOP zone, or involving CHOP participants.

13 **RESPONSE:**
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16 **REQUEST FOR PRODUCTION NO. 5:** Please produce all documents and
17 communications consisting of or related to orders and directions given to SFD firepersons and
18 employees related to, referencing, or concerning the CHOP, incidents occurring at or near the
19 CHOP zone, or involving CHOP participants.

20 **RESPONSE:**
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23 **REQUEST FOR PRODUCTION NO. 6:** Please produce all documents and
24 communications consisting of or related to orders and directions given to SDOT employees and
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1 personnel related to or referencing the CHOP, incidents occurring at or near the CHOP zone, or
2 involving CHOP participants.

3 **RESPONSE:**

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6 **REQUEST FOR PRODUCTION NO. 7:** Please produce all documents and
7 communications consisting of or related to orders and directions given to SPU employees and
8 personnel related to or referencing the CHOP, incidents occurring at or near the CHOP zone, or
9 involving CHOP participants.

10 **RESPONSE:**

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13 **REQUEST FOR PRODUCTION NO. 8:** Please produce all documents and
14 communications consisting of or related to orders and directions given to SDOT employees and
15 personnel related to or referencing the CHOP, incidents occurring at or near the CHOP zone, or
16 involving CHOP participants.

17 **RESPONSE:**

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20 **REQUEST FOR PRODUCTION NO. 9:** Please produce all body camera footage from
21 SPD officers, agents, or employees that were recorded at or near the CHOP zone or involve a
22 CHOP participant.

23 **RESPONSE:**

1 **REQUEST FOR PRODUCTION NO. 10:** Please produce all documents and
2 communications relating to, referencing, or concerning any tort claims (or damages claims)
3 Defendant has received relating to, referencing, or concerning the CHOP, from June 8, 2020 to the
4 present.

5 **RESPONSE:**
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8 **REQUEST FOR PRODUCTION NO. 11:** Please produce all documents and
9 communications concerning City permits related to public gatherings, public events, protests,
10 street closures, and/or the dispensing or sale of food or beverages and concerning activities within
11 the City of Seattle between January 1, 2020 and the present.

12 **RESPONSE:**
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15 **REQUEST FOR PRODUCTION NO. 12:** Please produce all documents and
16 communications concerning the responses provided by SPD, SFD, SPU, or any other emergency
17 services and first responders to incidents within the CHOP, at or near the CHOP zone, or involving
18 CHOP participants between May 26, 2020 through July 10, 2020.

19 **RESPONSE:**
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22 **REQUEST FOR PRODUCTION NO. 13:** Please produce documents sufficient to
23 determine the speed and manner of responses provided by SPD, SFD, SDOT, SPU, or any other
24 emergency services and first responders to incidents within the City of Seattle between May 26,
25 2020 through July 10, 2020.

1 **RESPONSE:**

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4 **REQUEST FOR PRODUCTION NO. 14:** Please produce all documents or
5 communications concerning any request for public records made to Defendant that concerns,
6 references, or relates to CHOP, the CHOP zone, or CHOP participants.

7 **RESPONSE:**

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10 **REQUEST FOR PRODUCTION NO. 15:** Please produce all video, audio recordings,
11 photographs, or other depictions in Defendant's possession of the CHOP zone, people or
12 activities in the CHOP one, and crime or vandalism in the CHOP zone at any time between June
13 8, 2020, and July 15, 2020.

14 **RESPONSE:**

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17 **REQUEST FOR PRODUCTION NO. 16:** Excluding such documents and
18 communications responsive to Requests for Production Nos. 1 through 14 above, please produce
19 any and all additional documents and communications referring to the CHOP, the CHOP zone, or
20 conditions in the Capitol Hill neighborhood during the presence of the CHOP in possession of
21 Defendant.

22 **RESPONSE:**

1 DATED this 31st day of August, 2020.

2 CALFO EAKES LLP

3
4 By /s/ Patty A. Eakes

5 Patricia A. Eakes, WSBA #18888

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20 *Attorneys for Plaintiffs*

CERTIFICATE OF SERVICE

I, Lixi Aylin Colmenero, declare that I am employed by the law firm of Calfo Eakes LLP, a resident of the state of Washington, over the age of eighteen (18) years, not a party to the above-entitled action, and competent to be a witness herein.

On August 31, 2020, I caused a true and correct copy of the foregoing document to be served on counsel listed below in the manner indicated.

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Carolyn Boies, WSBA No. 40395
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☐ Via Legal Messengers
☐ Via First Class Mail
☐ Via Facsimile
☒ Via Electronic Mail
☐ Via ECF

DATED this 31st day of August, 2020.

s/Lixi Aylin Colmenero
Lixi Aylin Colmenero